

SENATE RECORD VOTE ANALYSIS

105th Congress
2nd Session

Vote No. 136

May 14, 1998, 3:02 pm
Page S-4880 Temp. Record

DEFENSE AUTHORIZATION/List of Chinese Military-Owned Companies

SUBJECT: National Defense Authorization Act for fiscal year 1999 . . . S. 2057. Grams motion to table the Hutchinson/Abraham amendment No. 2387.

ACTION: MOTION TO TABLE FAILED, 24-76

SYNOPSIS: As reported, S. 2057, the National Defense Authorization Act for fiscal year 1999, will authorize \$270.6 billion in budget authority for national defense programs (this amount is equal to the requested level, and is in accordance with the budget agreement of last year). In real terms, spending will be \$2.9 billion less than last year. As a percentage of gross domestic product (GDP), defense spending will be just 3.1 percent, which will be the lowest level of defense spending since 1940. Defense spending has declined steadily since 1986, when it was 6.5 percent of GDP.

The Hutchinson/Abraham amendment would require the Secretary of Defense, in consultation with the Attorney General, the Director of the Central Intelligence, and the Director of the Federal Bureau of Investigation, to maintain a current list of Chinese People's Liberation Army (PLA) firms operating directly or indirectly in the United States. This list would be updated regularly in the Federal Register. The amendment would also give the President enhanced authority under the International Emergency Economic Powers Act to take action against Chinese military-owned firms if circumstances warranted, including that the President would be allowed to freeze assets or otherwise regulate these firms' activities. The amendment would make 12 findings: the PLA is the principle instrument of repression in China, responsible for occupying Tibet since 1950, massacring hundreds of students and demonstrators in Tiananmen Square on June 4, 1989, and running "Laogai" (slave labor) camps; the PLA is engaged in a massive military buildup, officially doubling its expenditures since 1992 (the Arms Control and Disarmament Agency estimates that China's real military expenditures are up to 9 times greater than it officially admits); the PLA is engaging in a major ballistic missile modernization program; the PLA is working with Russia, and purchasing from Russia, weapons systems specifically designed to incapacitate United States aircraft carriers and Aegis cruisers; in 1995 the PLA seized Philippine territory in the Spratley Islands; in 1995 and 1996 China conducted missile tests to intimidate Taiwan, and it effectively blockaded Taiwanese ports; the PLA has

(See other side)

YEAS (24)		NAYS (76)		NOT VOTING (0)	
Republicans (6 or 11%)	Democrats (18 or 40%)	Republicans (49 or 89%)	Democrats (27 or 60%)	Republicans (0)	Democrats (0)
Grams	Akaka	Abraham	Helms	Boxer	
Hagel	Baucus	Allard	Hutchinson	Bryan	
Lugar	Biden	Ashcroft	Hutchison	Bumpers	
McConnell	Bingaman	Bennett	Inhofe	Byrd	
Murkowski	Breaux	Bond	Jeffords	Conrad	
Roberts	Cleland	Brownback	Kempthorne	Dodd	
	Daschle	Burns	Kyl	Dorgan	
	Ford	Campbell	Lott	Durbin	
	Glenn	Chafee	Mack	Feingold	
	Graham	Coats	McCain	Feinstein	
	Inouye	Cochran	Nickles	Harkin	
	Johnson	Collins	Roth	Hollings	
	Kennedy	Coverdell	Santorum	Kerry	
	Kerrey	Craig	Sessions	Kohl	
	Levin	D'Amato	Shelby	Landrieu	
	Reed	DeWine	Smith, Bob	Lautenberg	
	Robb	Domenici	Smith, Gordon	Leahy	
	Rockefeller	Enzi	Snowe	Lieberman	
		Faircloth	Specter	Mikulski	
		Frist	Stevens	Moseley-Braun	
		Gorton	Thomas	Moynihan	
		Gramm	Thompson	Murray	
		Grassley	Thurmond	Reid	
		Gregg	Warner	Sarbanes	
		Hatch		Torricelli	
				Wellstone	
				Wyden	

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

provided Pakistan with nuclear weapons technology and materials; the PLA and a civilian Chinese arms company attempted to smuggle shoulder-held missile launchers capable of "taking out a 747" and 2,000 AK-47s into Oakland, California, to sell to urban street gangs, and after being caught China just sentenced 4 low-level arms merchants to brief prison terms; the PLA violates the 1995 Memorandum of Understanding on intellectual property rights with the United States by running factories which pirate videos, compact discs, and computer software that are products of the United States; the PLA violates the 1997 Memorandum of Understanding with the United States on textiles by operating enterprise engaged in the transshipment of textile products to the United States through third countries; the PLA earns an estimated \$2 billion to \$3 billion per year from its enterprises; and the PLA's commercial activities are frequently conducted on noncommercial terms or for noncommercial military and foreign policy purposes.

During debate, Senator Grams moved to table the Hutchinson amendment. A motion to table is not debatable; however, some debate preceded the making of the motion. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

NOTE: At the time of the vote, a Thomas second-degree amendment was pending that would strike the findings of the Hutchinson amendment. After the vote, both amendments were adopted by voice votes.

Those favoring the motion to table contended:

This amendment is under the jurisdiction of the Banking Committee's International Finance Subcommittee. We believe that the subject addressed by this amendment is of sufficient controversy that it should be acted upon by the subcommittee prior to being considered by the full Senate. The Clinton Administration is concerned that it may require the disclosure of classified information. We therefore support the motion to table.

Those opposing the motion to table contended:

Communist China's military, the PLA, is the main instrument of repression in China. The PLA occupies Tibet; it murdered peaceful, unarmed protestors in Tiananmen Square; it operates slave-labor camps to produce toys, textiles, and other products that are sold in the United States; it, along with a civilian PLA-front company, recently even tried to sell surface-to-air missiles and 2,000 fully automatic AK-47s to street gangs and drug dealers in America (when the last offense was discovered, China just gave a slap on the wrist to 4 low-level employees of the "civilian" company).

The PLA is using the billions of dollars of annual profit it is making off of Americans through its illegal trade practices to threaten the United States. It has more than doubled its spending since 1992, and it has especially worked on improving its weapons of mass destruction. (Until last year, China lacked the ability to manufacture rocket boosters that could reliably strike targets in the United States. Now, allegedly thanks to Loral Space and Hughes Electronics, that is no longer the case. Those companies have been accused of illegally giving China the technology it needs to target its missiles accurately. More disturbingly, Members have been informed by an unnamed official at Motorola that Motorola has also been involved in upgrading China's missile capabilities, and it has been doing so under a waiver from the Clinton Administration. We hope that this claim is false; we hope that the Clinton Administration would not grant such a treasonous waiver.) China has 18 long-range strategic missiles, 13 of which are targeted on American cities. The PLA is also in the process of buying from Russia several substantial weapons systems that are specifically designed to destroy U.S. aircraft carriers and Aegis cruisers. China's military has also provided Pakistan with weapons-grade nuclear materials and technology needed for nuclear weapons, and it has given steady and massive missile and chemical weapons assistance to the terrorist country Iran.

Forty or fifty years ago people who gave aid to countries like China were prosecuted for treason, and, if convicted, were executed. Today, we suppose we are more likely to hear odd linguistic gymnastics on subjects like "controlling legal authorities." Therefore, we have offered a very modest amendment regarding the PLA's commercial activities in the United States. This amendment would require the publication of a list of all PLA commercial companies that are operating in the United States, and it would give the President the authority to take actions against those companies if circumstances warranted.

Some Senators have suggested that such a list might inadvertently reveal classified information. The reality is that the United States Government knows, and China knows, which firms that are operating in the United States are just fronts for the brutal PLA. The only question is whether or not the American people will be allowed to know as well. The other argument that has been raised against this amendment is that the committee of jurisdiction has not yet considered the subject it addresses, and that we should wait until it has considered it because the subject is "controversial." However, the language is identical to a bill that was passed by the House last November, 405-10. That wide a margin on a vote indicates to us that the proposal is not controversial. Also, the committee of jurisdiction has had 6 months to act since the House vote, but it has not, which indicates to us that it has no intention of acting. Therefore, offering the amendment to this bill is appropriate. We urge our colleagues to vote in favor of its adoption.